

**Introduced by Senators McGuire and Wiener
(Coauthor: Senator Leyva)**

January 18, 2017

An act to amend Sections 6901, 8304, and 8651 of the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

SB 149, as introduced, McGuire. Elections: ballot access: presidential candidates.

Existing law requires that the names of candidates for President and Vice President of the United States be printed on statewide general election ballots. Existing law establishes a process for counting votes for write-in candidates for President and Vice President for which a declaration of write-in candidacy is timely submitted to the Secretary of State.

This bill, which would be known as the Presidential Tax Transparency and Accountability Act, would require a candidate for President, in order to have his or her name placed upon a general election ballot, to file his or her income tax returns for the 5 most recent taxable years with the Secretary of State at least 70 days before that election. The bill would also require a Presidential write-in candidate's income tax returns for the 5 most recent taxable years to be included with his or her declaration of write-in candidacy. The bill would require the Secretary of State, after adopting regulations, to redact the income tax returns of Presidential candidates as necessary to protect privacy, and subsequently to make them available to the public on the Secretary of State's Internet Web site.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. This act shall be known and may be cited as the
2 Presidential Tax Transparency and Accountability Act.

3 SEC. 2. The Legislature finds and declares that a presidential
4 candidate's income tax returns provide voters with essential
5 information regarding the candidate's potential conflicts of interest,
6 business dealings, financial status, and charitable donations. Donald
7 Trump's refusal to release his income tax returns departed from
8 decades of established political tradition, denying voters the
9 opportunity to fully evaluate his fitness for the office of President
10 of the United States.

11 SEC. 3. Section 6901 of the Elections Code is amended to read:
12 6901. (a) Whenever a political party, in accordance with
13 Section 6864, 7100, 7300, 7578, or 7843, submits to the Secretary
14 of State its certified list of nominees for electors of President and
15 Vice President of the United States, the Secretary of State shall
16 notify each candidate for elector of his or her nomination by the
17 party. ~~The~~

18 (b) *The Secretary of State shall cause the names of the*
19 *candidates for President and Vice President of the several political*
20 *parties to be placed upon the ballot for the ensuing general election.*

21 (c) *Notwithstanding subdivision (b), the Secretary of State shall*
22 *not cause the name of a political party's candidate for President*
23 *to be placed upon the ballot for the ensuing general election unless*
24 *the candidate, no later than 70 days before that general election,*
25 *files with the Secretary of State a copy of his or her income tax*
26 *returns for the five most recent taxable years.*

27 (d) *The Secretary of State shall redact a Presidential candidate's*
28 *tax returns as necessary to protect privacy. After redacting the tax*
29 *returns, the Secretary of State shall make them available to the*
30 *public on the Secretary of State's Internet Web site.*

31 (e) *The Secretary of State shall adopt regulations to implement*
32 *subdivisions (c) and (d).*

33 SEC. 4. Section 8304 of the Elections Code is amended to read:

34 8304. (a) When a group of candidates for presidential electors
35 designates the presidential and vice presidential candidates for
36 whom all of the group pledge themselves to vote, the names of the
37 presidential candidate and vice presidential candidate designated

1 by that group shall be printed on the ballot pursuant to Chapter 2
2 (commencing with Section 13100) of Division 13.

3 *(b) (1) Notwithstanding subdivision (a), the name of a candidate*
4 *for President shall not be printed on a general election ballot as*
5 *described in subdivision (a) unless the candidate, no later than 70*
6 *days before the general election, files with the Secretary of State*
7 *a copy of his or her income tax returns for the five most recent*
8 *taxable years.*

9 *(2) The Secretary of State shall redact the Presidential*
10 *candidate's income tax returns as necessary to protect privacy.*
11 *After redacting the income tax returns, the Secretary of State shall*
12 *make them available to the public on the Secretary of State's*
13 *Internet Web site.*

14 *(c) The Secretary of State shall adopt regulations to implement*
15 *subdivision (b).*

16 SEC. 5. Section 8651 of the Elections Code is amended to read:

17 8651. The declaration of write-in candidacy for presidential
18 elector shall contain the following information:

19 (a) Candidate's name.

20 (b) Residence address.

21 (c) A declaration stating that he or she is a write-in candidate
22 for the office of presidential elector.

23 (d) Oath or affirmation as set forth in Section 3 of Article XX
24 of the California Constitution.

25 (e) The date of the general election.

26 (f) The names of the candidates for President and Vice President
27 of the United States for which the group of presidential electors
28 are pledged.

29 *(g) (1) A copy of the Presidential candidate's income tax returns*
30 *for the five most recent taxable years.*

31 *(2) The Secretary of State shall redact the Presidential*
32 *candidate's income tax returns as necessary to protect privacy.*
33 *After redacting the income tax returns, the Secretary of State shall*
34 *make them available to the public on the Secretary of State's*
35 *Internet Web site.*

36 *(h) The Secretary of State shall adopt regulations to implement*
37 *subdivision (g).*

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